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Attorneys for Plaintiffs  
DONALD MORTON and DANIEL SANCHEZ

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DONALD MORTON and DANIEL SANCHEZ,  
on their own behalf and on behalf of a class of  
similarly situated persons pursuant to F.R.C.P.  
23 and 29 U.S.C. § 216, and on behalf of the  
General Public,

Plaintiffs,

v.

VALLEY FARM TRANSPORT, INC., a  
California Corporation,

Defendants.

Case No. C 06-02933 SI (ADR)

**PLAINTIFFS' REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
BASED ON THE STIPULATION OF THE  
PARTIES**

**Date:** September 14, 2007  
**Time:** 2:30 p.m.  
**Judge:** Hon. Susan Illston  
**Courtroom:** 10

SUBJECT TO APPROVAL OF THIS COURT, Plaintiffs respectfully request that the Court continue the Case Management Conference (CMC) currently set for September 14, 2007 to November 9, 2007, or sometime thereafter. Plaintiffs contend there is good cause for this request as follows. The CMC was originally set for September 14, 2007, as the parties had a deadline to conduct mediation in this matter by that time. The parties have begun and continue to take part in the mediation process. The parties met for their first day of mediation on August 28, 2007. At that time, the parties verbally stipulated to continue the CMC until after the completion of the mediation

1 process. Currently, the parties are scheduled to meet again for a second day of mediation on October  
2 5, 2007.

3 On September 12, 2007, Plaintiffs' counsel contacted the court clerk regarding the parties'  
4 request to reschedule the date of the CMC. The clerk indicated that the CMC scheduled for  
5 September 14, 2007 would be continued until November 9, 2007.

6 Plaintiffs prepared a formal stipulation to filed with the Court. Plaintiffs, however, were  
7 unable to reach Defendant's counsel to secure a signature on the formal stipulation and, as such, have  
8 not yet filed said stipulation. Plaintiffs' counsel represents that Defendant's counsel have agreed to  
9 continue the CMC to a date after the parties' next scheduled mediation session set for October 5,  
10 2007.

11 Plaintiffs' counsel will file its formal stipulation with the Court once it successfully reaches  
12 Defendant's counsel and Defendant's counsel expresses its approval to do so.

13 Accordingly, Plaintiffs seek continuance of the CMC to November 9, 2007, or another date  
14 after the parties have concluded mediation, in case the parties fail to reach a settlement through the  
15 mediation process.

16 The request for continuance is not brought for any improper purpose nor should any party be  
17 prejudiced by the continuance.

18 Dated: September 14, 2007

19 BEESON, TAYER & BODINE, APC

20 By: /s/  
21 COSTA KERESTENZIS

22 Attorneys for DONALD MORTON and  
23 DANIEL SANCHEZ

